

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BERNARD PLUMMER,

No. C-12-0620 TEH (PR)

Petitioner,

ORDER OF TRANSFER

v.

PAROLE BOARD, et al.

Respondents.

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Petitioner, a state prisoner, has filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging as a violation of his constitutional rights the denial of parole by the California Board of Parole Hearings. Doc. #1 at 6.

A petition for a writ of habeas corpus filed by a state prisoner in a State that contains two or more federal judicial districts may be filed in either the district of confinement or the district of conviction. See 28 U.S.C. § 2241(d). The district court where the petition is filed, however, may transfer the petition to the other district in the furtherance of justice. See id. Federal courts in California traditionally have chosen to hear

1 petitions challenging a conviction or sentence in the district of
2 conviction. See Dannenberg v. Ingle, 831 F. Supp. 767, 767 (N.D.
3 Cal. 1993); Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968).
4 But if a habeas petition is directed to the manner in which a
5 sentence is being executed, e.g., if it involves parole or time
6 credit claims, the district of confinement is the preferable forum.
7 See Habeas L.R. 2254-3(a); Dunne v. Henman, 875 F.2d 244, 249 (9th
8 Cir. 1989).

9 Petitioner is incarcerated at Chuckawalla Valley State
10 Prison, in Riverside County, which lies within the venue of the
11 Central District of California. See 28 U.S.C. § 84(c). Because
12 petitioner challenges the execution of his sentence, the Court
13 hereby ORDERS that pursuant to 28 U.S.C. § 1404(a) and Habeas L.R.
14 2254-3(b)(2), and in the interests of justice, this petition be
15 TRANSFERRED to the United States District Court for the Central
16 District of California.

17 The clerk shall terminate all pending motions as moot,
18 close the file and transfer this matter to the United States
19 District Court for the Central District of California.

20 IT IS SO ORDERED.

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22 DATED 04/03/2012



THELTON E. HENDERSON
United States District Judge

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